

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

RICHARD J. SILVERSTEIN, et al. \*

Plaintiffs \*

vs. \* CIVIL ACTION NO. MJG-12-2430

WESTFAX, INC., et al. \*

Defendants \*

\* \* \* \* \*

MEMORANDUM AND ORDER RE: FURTHER PROCEEDINGS

The Court has before it Defendants' Motion for Clarification of Procedural Order of May 3, 2013 [Document 165] and the materials submitted relating thereto. The Court finds that a hearing is unnecessary.

The Attorney Grievance Commission of Maryland has filed, in state court, a Petition for Disciplinary or Remedial Action against Plaintiff's counsel, Michael Worsham, Esquire [Document 165-1]. The Petition includes, but is not limited to, allegations of unethical conduct in cases similar to the instant lawsuit, i.e., cases in which the plaintiffs sought recovery for unsolicited faxes. In particular, the Attorney Grievance Commission charges that Mr. Worsham had his clients in those cases enter into fee agreements with unreasonable provisions and that there were irregularities relating to settlements.

Counsel for Plaintiffs, Michael Worsham, Esquire, has, as ordered by the Court, submitted copies of the fee agreements with the Plaintiffs herein. The Court finds, upon review of the submissions, that these fee agreements violate ethical standards. This Court will not now finally resolve the matter. The Court will, should the state court ultimately decide the issue contrary to this Court's view, reconsider its conclusion in light of the state court decision. However, this Court shall not permit Mr. Worsham to continue to represent the Plaintiffs in the instant case.

For the foregoing reasons:

1. Defendants' Motion for Clarification of Procedural Order of May 3, 2013 [Document 165] is GRANTED.
2. By separate Order the Court shall stay this case pending the final resolution of pending state grievance proceedings against Michael Worsham, Esquire.
3. The stay may be lifted pending the resolution of grievance proceedings against Mr. Worsham, if he withdraws as counsel for Plaintiffs and successor counsel (independent of Mr. Worsham) enters his/her appearance for Plaintiffs or Plaintiffs elect to proceed pro se without any participation by Mr. Worsham.

SO ORDERED, on Wednesday, August 21, 2013.

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/s/  
Marvin J. Garbis  
United States District Judge